

Executive Summary – Enforcement Matter – Case No. 50378
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2015-0595-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chemours Beaumont Aniline Facility, 5470 North Twin City Highway, Nederland,
Jefferson County

Type of Operation:

Industrial organic chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 9, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$159,597

Amount Deferred for Expedited Settlement: \$31,919

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$63,839

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$63,839

Name of SEP: Texas Association of Resource Conservation and Development
Areas, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Executive Summary – Enforcement Matter – Case No. 50378
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2015-0595-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 13, 2015

Date(s) of NOE(s): March 13, 2015

Violation Information

Failed to conduct monthly volatile organic compounds ("VOC") monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent failed to collect cooling tower water samples that were representative of all return waters from the Aniline Cooling Tower, Emission Point Nos. ("EPNs") ANI-CT208A, ANI-CT208B, and ANI-CT208C, from May 2010 through March 2015 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. 01961, Special Terms and Conditions No. 15, and New Source Review Permit No. 4351, Special Condition No. 17 (previously No. 16)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. By May 31, 2016, begin conducting monthly VOC monitoring on the Aniline Cooling Tower, EPNs ANI-CT208A, ANI-CT208B, and ANI-CT208C; and
 - b. By June 15, 2016, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 50378
E. I. du Pont de Nemours and Company
RN100216035
Docket No. 2015-0595-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: David L. Everett, Plant Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704

Respondent's Attorney: Rod Johnson, Enoch Kever PLLC., 600 Congress Avenue, Suite 2800, Austin, Texas 78701

Attachment A
Docket Number: 2015-0595-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	One Hundred Twenty-Seven Thousand Six Hundred Seventy-Eight Dollars (\$127,678)
SEP Offset Amount:	Sixty-Three Thousand Eight Hundred Thirty-Nine Dollars (\$63,839)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Clean Buses Project</i>
Location of SEP:	Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the "Project"). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Apr-2015	Screening	14-Apr-2015	EPA Due	
	PCW	3-Aug-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100216035		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	50378	No. of Violations	1
Docket No.	2015-0595-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$15,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 167.0% Enhancement **Subtotals 2, 3, & 7** \$25,050

Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and eight orders with denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$1,780
Estimated Cost of Compliance \$1,600

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$40,050

OTHER FACTORS AS JUSTICE MAY REQUIRE 4.4% **Adjustment** \$1,780

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with the violation.

Final Penalty Amount \$41,830

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$41,830

DEFERRAL 20.0% Reduction **Adjustment** -\$8,366

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY \$33,464

Screening Date 14-Apr-2015

Docket No. 2015-0595-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 50378

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 167%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and eight orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 167%

Screening Date 14-Apr-2015

Docket No. 2015-0595-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 50378

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1961, Special Terms and Conditions No. 15, and New Source Review Permit No. 4351, Special Condition No. 17 (previously No. 16)

Violation Description

Failed to conduct monthly volatile organic compounds ("VOC") monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent failed to collect cooling tower water samples that were representative of all return waters from the Aniline Cooling Tower, Emission Point Nos. ("EPNs") ANI-CT208A, ANI-CT208B, and ANI-CT208C, from May 2010 through August 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

487 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Six quarterly events are recommended for the period of non-compliance from May 1, 2010 through August 31, 2011.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,780

Violation Final Penalty Total \$41,830

This violation Final Assessed Penalty (adjusted for limits) \$41,830

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
 Case ID No. 50378
 Reg. Ent. Reference No. RN100216035
 Media Air
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,600	1-May-2010	31-Aug-2011	2.25	\$180	\$1,600	\$1,780
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for not monitoring the cooling tower water for VOC leakage (\$100 per month x one cooling tower x 16 months missed). The Date Required is the first date the monthly monitoring could have been conducted and the Final Date is the last date the monthly monitoring could have been conducted.

Approx. Cost of Compliance

\$1,600

TOTAL

\$1,780



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	14-Apr-2015	Screening	14-Apr-2015	EPA Due	
	PCW	3-Aug-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	E. I. du Pont de Nemours and Company		
Reg. Ent. Ref. No.	RN100216035		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	50378	No. of Violations	1
Docket No.	2015-0595-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$56,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$56,250
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Notes Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and eight orders with denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$5,267
Estimated Cost of Compliance \$4,300
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$112,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	4.7%	Adjustment	\$5,267
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to capture the avoided cost of compliance associated with the violation.

Final Penalty Amount	\$117,767
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$117,767
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DEFERRAL	20.0%	Reduction	Adjustment	-\$23,553
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$94,214
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Screening Date 14-Apr-2015

Docket No. 2015-0595-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 50378

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 167%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and eight orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 167%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 14-Apr-2015

Docket No. 2015-0595-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 50378

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1961, Special Terms and Conditions No. 15, and New Source Review Permit No. 4351, Special Condition No. 17 (previously No. 16)

Violation Description

Failed to conduct monthly volatile organic compounds ("VOC") monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P. Specifically, the Respondent failed to collect cooling tower water samples that were representative of all return waters from the Aniline Cooling Tower, Emission Point Nos. ANI-CT208A, ANI-CT208B, and ANI-CT208C, from September 2011 through March 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 15

1307 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$56,250

Fifteen quarterly events are recommended for the period of non-compliance from September 1, 2011 through March 31, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$56,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,267

Violation Final Penalty Total \$117,767

This violation Final Assessed Penalty (adjusted for limits) \$117,767

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company
Case ID No. 50378
Reg. Ent. Reference No. RN100216035
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$4,300	1-Sep-2011	31-Mar-2015	4.50	\$967	\$4,300	\$5,267
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for not monitoring the cooling tower water for VOC leakage (\$100 per month x one cooling tower x 43 months missed). The Date Required is the first date the monthly monitoring could have been conducted and the Final Date is the last date the monthly monitoring could have been conducted.

Approx. Cost of Compliance

\$4,300

TOTAL

\$5,267

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600128284, RN100216035, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600128284, E. I. du Pont de Nemours and Company **Classification:** SATISFACTORY **Rating:** 4.91

Regulated Entity: RN100216035, CHEMOURS BEAUMONT ANILINE FACILITY **Classification:** SATISFACTORY **Rating:** 13.60

Complexity Points: 29

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 5470 N TWIN CITY HWY NEDERLAND, TX 77627-3168, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0033C
AIR OPERATING PERMITS PERMIT 1961
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008081101
AIR NEW SOURCE PERMITS REGISTRATION 16323
AIR NEW SOURCE PERMITS REGISTRATION 24141
AIR NEW SOURCE PERMITS REGISTRATION 29192
AIR NEW SOURCE PERMITS REGISTRATION 31444
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0033C
AIR NEW SOURCE PERMITS PERMIT 2053
AIR NEW SOURCE PERMITS PERMIT 2340
AIR NEW SOURCE PERMITS PERMIT 3310
AIR NEW SOURCE PERMITS PERMIT 4351
AIR NEW SOURCE PERMITS PERMIT 4704
AIR NEW SOURCE PERMITS PERMIT 5310
AIR NEW SOURCE PERMITS PERMIT 6183
AIR NEW SOURCE PERMITS PERMIT 8106
AIR NEW SOURCE PERMITS REGISTRATION 10013
AIR NEW SOURCE PERMITS REGISTRATION 12208
AIR NEW SOURCE PERMITS REGISTRATION 12835
AIR NEW SOURCE PERMITS REGISTRATION 12894
AIR NEW SOURCE PERMITS REGISTRATION 12896
AIR NEW SOURCE PERMITS REGISTRATION 14020
AIR NEW SOURCE PERMITS REGISTRATION 14489
AIR NEW SOURCE PERMITS REGISTRATION 75676
AIR NEW SOURCE PERMITS REGISTRATION 71190
AIR NEW SOURCE PERMITS REGISTRATION 52189
AIR NEW SOURCE PERMITS REGISTRATION 50568
AIR NEW SOURCE PERMITS REGISTRATION 71369
AIR NEW SOURCE PERMITS REGISTRATION 95568
AIR NEW SOURCE PERMITS REGISTRATION 111976
UNDERGROUND INJECTION CONTROL PERMIT WDW388
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30010
POLLUTION PREVENTION PLANNING ID NUMBER P00189

AIR OPERATING PERMITS PERMIT 1959
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50166
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30010
AIR NEW SOURCE PERMITS REGISTRATION 18127
AIR NEW SOURCE PERMITS REGISTRATION 29106
AIR NEW SOURCE PERMITS REGISTRATION 31224
AIR NEW SOURCE PERMITS REGISTRATION 36730
AIR NEW SOURCE PERMITS PERMIT 1743A
AIR NEW SOURCE PERMITS PERMIT 2324
AIR NEW SOURCE PERMITS PERMIT 2672
AIR NEW SOURCE PERMITS PERMIT 3879
AIR NEW SOURCE PERMITS PERMIT 4351A
AIR NEW SOURCE PERMITS PERMIT 4752
AIR NEW SOURCE PERMITS PERMIT 5777
AIR NEW SOURCE PERMITS PERMIT 6301
AIR NEW SOURCE PERMITS PERMIT 8143
AIR NEW SOURCE PERMITS REGISTRATION 11844
AIR NEW SOURCE PERMITS REGISTRATION 12368
AIR NEW SOURCE PERMITS REGISTRATION 12888
AIR NEW SOURCE PERMITS REGISTRATION 12895
AIR NEW SOURCE PERMITS REGISTRATION 13542
AIR NEW SOURCE PERMITS REGISTRATION 14134
AIR NEW SOURCE PERMITS REGISTRATION 75778
AIR NEW SOURCE PERMITS AFS NUM 4824500003
AIR NEW SOURCE PERMITS REGISTRATION 71144
AIR NEW SOURCE PERMITS REGISTRATION 54296
AIR NEW SOURCE PERMITS REGISTRATION 52358
AIR NEW SOURCE PERMITS REGISTRATION 54705
AIR NEW SOURCE PERMITS REGISTRATION 111977
UNDERGROUND INJECTION CONTROL PERMIT WDW188
UNDERGROUND INJECTION CONTROL PERMIT WDW391
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0033C
LEAKING PETROLEUM STORAGE TANKS REMEDIATION ID NUMBER 92317

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: May 20, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2010 to May 20, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jessica Schildwachter

Phone: (512) 239-2617

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/09/2010 ADMINORDER 2008-1529-IHW-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)
Description: Failure to prevent the disposal of industrial hazardous waste at an unauthorized facility. Specifically, an April 8, 2008 tank failure resulted in a discharge of approximately 2,655 gallons of a mixture of 75% sulfuric acid, 25% nitrobenzene and trace amounts of benzene and aniline.
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.31
Description: Failure to maintain and operate the facility to minimize the possibility of an unplanned release of hazardous waste to the air, soil and surface water which could threaten human health or the environment.
- 2 Effective Date: 11/15/2010 ADMINORDER 2010-0379-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
A8(c)(2)(A)(ii) MOD(2)(D)
MOD 2D
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit.
A8(c)(2)(A)(ii) MOD(2)(D)

- 3 Effective Date: 02/05/2011 ADMINORDER 2010-1058-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Terms and Conditions No. 13 OP
Description: Failed to prevent the discharge of unauthorized emissions from the AOP (EPN ANI STK83) on February 13, 2010 (Incident No. 135791). Specifically, the Respondent shut down a distillation unit that should have been operated in the circulation mode to supply a condensate supply to the AOP unit. As a result, the AOP unit was forced to shut down. During the start-up of the AOP, the emission limit for NOx was exceeded for one hour, resulting in unauthorized emissions of 222.22 pounds of NOx.
- 4 Effective Date: 04/18/2011 ADMINORDER 2010-1556-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
A8(c)(2)(A)(ii)
MOD 2D
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
- 5 Effective Date: 06/20/2011 ADMINORDER 2010-1909-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
EIC A8, MOD 2D
- 6 Effective Date: 12/19/2011 ADMINORDER 2011-0648-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification for Incident No. 143489 within 24 hours after discovery of the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification for Incident No. 144178 within 24 hours after discovery of the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Condition OP
Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failed to prevent unauthorized emissions.

7 Effective Date: 01/12/2013 ADMINORDER 2012-0861-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
SC 1 PERMIT
SC 13 OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

8 Effective Date: 07/05/2014 ADMINORDER 2014-0041-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 PERMIT
Special Terms and Conditions 15 OP

Description: Failure to maintain emission rates below the authorized emission limits. Specifically, a leak on the South Reactor Standpipe in the Dehydration Nitration Process caused the unauthorized release of 202 lbs of benzene, 172 lbs of nitrobenzene emissions, and 149 lbs of sulfuric acid.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 21, 2010	(798690)
Item 2	June 01, 2010	(788768)
Item 3	July 22, 2010	(830528)
Item 4	August 04, 2010	(829654)
Item 5	August 09, 2010	(829932)
Item 6	August 13, 2010	(830379)
Item 7	September 16, 2010	(864187)
Item 8	September 19, 2010	(843190)
Item 9	January 25, 2011	(881177)
Item 10	February 12, 2011	(895146)
Item 11	March 17, 2011	(901940)
Item 12	May 05, 2011	(906002)
Item 13	July 06, 2011	(932611)
Item 14	December 19, 2011	(970325)
Item 15	May 17, 2012	(1003095)
Item 16	August 01, 2012	(1020444)
Item 17	August 15, 2012	(1023375)
Item 18	January 31, 2013	(1054933)
Item 19	July 03, 2013	(1100048)
Item 20	July 15, 2013	(1099761)
Item 21	December 16, 2013	(1124248)
Item 22	February 19, 2014	(1146078)
Item 23	April 06, 2014	(1156599)
Item 24	May 12, 2014	(1164854)
Item 25	June 02, 2014	(1171482)
Item 26	September 15, 2014	(1186435)
Item 27	February 06, 2015	(1222509)
Item 28	March 26, 2015	(1229716)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 01/06/2015 (1215384) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 4 PERMIT
Description: Failure to submit the semi-annual Subpart G report for the period of March 19,
2014 to September 18, 2014 within the required 60 day time frame.

- 2 Date: 03/13/2015 (1227266) CN600128284
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 1A OP
Special Condition 7 (C)(2) PERMIT
Description: Failure to conduct the required monthly inspection of the valves for EPN
ANI-FLR373 closed vent capture system to verify the position of the valves and
car seals to prevent flow out of a bypass.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to submit the Semiannual Deviation (SDR) Report and Annual Compliance

Certification (ACC) Report for the period of March 19, 2014 to September 18, 2014 within the required 30 day time frame.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY
RN100216035**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-0595-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Rod Johnson of the law firm of Enoch Kever, together stipulate that:

1. The Respondent owns and operates a industrial organic chemical plant located at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 18, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Hundred Fifty-Nine Thousand Five Hundred Ninety-Seven Dollars (\$159,597) is assessed by the Commission in settlement

of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixty-Three Thousand Eight Hundred Thirty-Nine Dollars (\$63,839) of the administrative penalty and Thirty-One Thousand Nine Hundred Nineteen Dollars (\$31,919) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Sixty-Three Thousand Eight Hundred Thirty-Nine Dollars (\$63,839) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to conduct monthly volatile organic compounds ("VOC") monitoring in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. 01961, Special Terms and Conditions No. 15, and New Source Review ("NSR") Permit No. 4351, Special Condition ("SC") No. 17 (previously No. 16), as documented during an investigation conducted on February 13, 2015. Specifically, the Respondent failed to collect cooling tower water samples that were representative of all return waters from the Aniline Cooling Tower, Emission Point Nos. ("EPNs") ANI-CT208A, ANI-CT208B, and ANI-CT208C, from May 2010 through March 2015.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2015-0595-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Sixty-Three Thousand Eight Hundred Thirty-Nine Dollars (\$63,839) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. By May 31, 2016, begin conducting monthly VOC monitoring on the Aniline Cooling Tower, EPNs ANI-CT208A, ANI-CT208B, and ANI-CT208C, in accordance with NSR Permit No. 4351, SC No. 17; and
 - b. By June 15, 2016, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

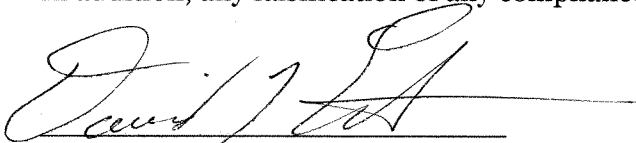
12/2/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

9/10/2015
Date

DAVID L. EVERETT
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2015-0595-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	One Hundred Twenty-Seven Thousand Six Hundred Seventy-Eight Dollars (\$127,678)
SEP Offset Amount:	Sixty-Three Thousand Eight Hundred Thirty-Nine Dollars (\$63,839)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Clean Buses Project</i>
Location of SEP:	Texas Air Quality Control Region 106: Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Clean Buses Project*. The contribution will be used in accordance with the SEP Project Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to retrofit older diesel buses with lower emissions or clean fuel technology in order to reduce nitrogen oxides air emissions and replace model year 2006 or older buses with lower-emission buses that are model year 2010 or newer for public school districts or public charter schools (the "Project"). RC&D shall ensure that each replacement bus purchased has an engine that meets 2010 EPA standards and that the older bus is taken out of service. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

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The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

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4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.